

REMARKS/ARGUMENTS

Claims 1-14 and 16-43 are pending.

Claims 1, 16, and 33 were specifically objected to for certain informalities.

Claims 20, 21, and 38 were rejected under 35 U.S.C. Section 112, Second paragraph.

The examiner asserted the following substantive rejections:

Claims 30, 33, and 37 were rejected under 35 U.S.C. 102(a) as being anticipated by Harrow et al. (U.S. PGPUB 200310009518).

Claims 1-9, 16-21, 25-29, 31-32, 38, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrow in view of Dutta et al. (U.S. PGPUB 200310050966).

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrow in view of Dutta and Vronay et al. (U.S. PGPUB 200410254928).

Claims 11, 22, and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrow in view of Dutta and Dar et al. (U.S. PGPUB 200310154236).

Claims 12-13, 23-24, and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrow in view of Dutta, Dar, and Eldreth (U.S. Patent 6,292,800).

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrow in view of Dutta and Garimella et al. (U.S. PGPUB 2005/0015415).

Claim Objections

Claim 1 has been amended per the examiner's recommendation.

Claim 16 has been amended to recite the "hub system" more clearly.

Claim 33 has been amended to alter its formatting to more clearly set forth the preamble and the body of the claim. Special notation has been used to clearly illustrate the placement of carriage returns to effect the requested formatting change. If such notation is deemed improper, the examiner is respectfully requested to provide guidance on proper notation.

It is noted that claim 33 as previously presented clearly sets forth a method claim. Although the preamble begins with the phrase "In a system ...", the phrase is clearly set apart with a comma to introduce the subject, namely "a method of returning results to the query provider comprising ...". Two steps are recited, "storing" and "sending."

The claim objections are believed to be overcome.

Section 112 Rejections

As to the Section 112 rejection of claims 20 and 21, the undersigned would like to point out that the amendment of claim 17 made in the previous response filed January 26, 2007 is garbled and erroneous. As a corrective measure, claim 17 as presented in a response filed June 26, 2006 is re-presented herein and is amended herein as it should have been in the January 26 response.

By restoring claim 17 in this manner, the antecedent rejections raised in claims 20 and 21 are moot. Claims 20 and 21 find antecedent basis for “request path” in the restored claim 17.

The undersigned offers his apologies for the confusion created in the response filed January 26 regarding claim 17.

Independent Claims 1, 17, 28, 30, 31, 33, 41, and 42

Independent claim 1 as originally filed is directed to queries to a database. To emphasize this distinctive point, claim 1 has been amended to explicitly recite “SQL database queries.” As amended, claim 1 recites in part:

- a database system;
- an application system for providing SQL database queries to the database system, the database system coupled to the application system via a first connection over a network;
- a storage system having a shared volume to store results from SQL database queries made to the database system;

See also similarly amended independent claims 17, 28, 30, 31, 33, 41, and 42.

1. “database” and “SQL database queries”

Harrow was cited in Fig. 5 and paragraph [0039] for teaching a database and providing queries to the database.¹ As amended in independent claim 1, Harrow does not teach “a database system” or “providing SQL database queries to the database system”. See also amended independent claims 17, 28, 30, 31, 33, 41, and 42.

Harrow is directed to a peer-to-peer system where clients 504-A to 504-P can share files (Fig. 5, paragraph [0039]). Harrow shows a file server 522 containing one or more

¹ It is noted that the same rejection was raised in each of the rejections of the independent claims.

files that a client (e.g., 504-P) might need. A file request² 510 is sent to a directory server 502 which will then indicate whether the requested file is stored in a nearby client.

If not, the requesting client can download the file or direct that it be downloaded to the nearest client. The directory server 502 will direct the file server to download the requested file to a nearest client (e.g., 504-D). The file can then be transferred to the requesting client.

While claims are given their broadest reasonable interpretation during examination, that interpretation must be consistent with the specification. *MPEP Section 2111*. Moreover, the words in a claim must be given their plain meaning during examination, unless the plain meaning is inconsistent with the specification. *MPEP Section 2111.01 (I)*.

In the instant application, the specification figures and descriptions clearly describe databases and queries on a database. The claims have been amended to explicitly recite SQL queries. Nothing in the specification indicates that the term database or “SQL database query” has any meaning that is inconsistent with the plain meaning of these terms.

The Office action appears to have identified Harrow’s file server 522 or directory server 502 with the recited database. Applicant respectfully submits that the broadest reasonable interpretation of the recited “database” and “SQL database query” is still a database and a query to a database (and more specifically an SQL query), and not a server that serves up files to clients. Nothing in the specification indicates that a database or SQL database query is anything more than that. Therefore, the broadest reasonable interpretation of the recited “database” and “SQL database query” does not include Harrow’s file server or directory server.

Applicant further submits that it is improper to interpret Harrow’s file server 522 or directory server 502 as a database that receives SQL database queries. While it is permissible to give claim terms their broadest reasonable interpretation during examination, Applicant submits that interpretation of a prior art reference must be confined to what the reference discloses, as understood by one of ordinary skill in the art.

Harrow is about peer-to-peer systems, where client systems can share files. Applicant respectfully submits that one of ordinary skill in the art would not construe Harrow’s file server or directory servers as a database that receives SQL database queries. Harrow clearly teaches file requests (310, 410, 510 in Figs. 3, 4, and 5). In fact, requests 410 are described as

² Harrow also shows file requests 310 and 410, respectively in Figs. 3 and 4 as described in paragraphs [0027] and

file requests made while surfing the web. See paragraph [0033]. Such file requests do not constitute an SQL database query, and one of ordinary skill in the art would not construe Harrow's file requests as being SQL database queries.

Therefore, contrary to assertions made in the Office action, Harrow does not teach a "database" and "queries to the database" as originally recited, and certainly does not teach "database" and "SQL database queries to the database" as currently amended in independent claims 1 and 17. To the extent that Harrow was cited for teaching these limitations in the rejections of claims 1, 17, 28, 30, 31, 33, 41, and 42, these rejections are believed to be overcome for the reasons set forth above.

2. "storage system ... store results from SQL database queries"

Harrow was cited in Fig. 5 and paragraph [0039] for teaching a storage system having a shared volume. As amended in independent claims 1, 17, 28, 30, 31, 33, 41, and 42, Harrow does not teach "a storage system having a shared volume to store results from SQL database queries".

a) "storage system" not taught

As best understood, the Office action appears to identify a client for showing the recited "storage system having a shared volume". Applicant respectfully submits that the broadest reasonable interpretation of this recited language is a system that is used for storing data and that the storage system includes a shared volume. It is earnestly believed that the broadest reasonable interpretation would not include a client system, such as shown by Harrow. Harrow describes a peer-to-peer architecture among clients. Unlike Harrow's client systems which request files from another client system or a file server, a storage system does request a file as a client system would. Applicant submits that it would not be reasonable to construe the recited storage system as encompassing Harrow's client system.

Applicant further respectfully submits that one of ordinary skill in the art would not view Harrow's client systems (504-a to 504-P) as being storage systems. It is common knowledge that typical client systems include desktop PC's, laptop PC's and such. It is earnestly believed that one of ordinary skill in the art would not view PC's as being "storage systems having a shared volume".

[0033].

b) “store results from SQL database queries” not taught

Furthermore, the claims recite a storage system to “store results from SQL database queries”. This limitation is clearly not shown by Harrow. Harrow shows files being requested and files being stored. As discussed above, Harrow does not teach SQL database queries and certainly (and therefore) does not teach “results from SQL database queries” being stored in a storage system having a shared volume.

3. Rejections Are Overcome

Harrow was relied on for allegedly showing “a database” and “queries to a database.” The independent claims were amended to emphasize the database by explicitly reciting “SQL database queries” and are believed to distinguish of Harrow. The rejections of independent claims 1, 17, 28, 30, 31, 33, 41, and 42 are therefore believed to be overcome because the primary reference, namely Harrow, has been distinguished. The rejections of dependent claims are likewise believed to be overcome based on the allowability of their respective base claims.

Dependent claims 2, 29, 32, and 37, and independent claim 17

Dependent claim 2 recites the additional distinctive limitation of selecting a path by which the SQL database request sent. Claim 2 recites in part:

a request path selector coupled to the application system for selecting a request path over which to send query data comprising the SQL database queries made to the database system

See also dependent claims 29, 32, and 37, and independent claim 17.

Fig. 5 and paragraph [0039] of Harrow was cited for allegedly teaching this limitation. Fig. 5 shows a peer-to-peer system where clients 504-A to 504-P can share files. Harrow shows a file server 522 containing one or more files that a client (e.g., 504-P) might need. A request 510 is sent to a directory server 502 which will then indicate whether a local copy of the requested file is stored in a client. If not, the requesting client can download the file or direct that it be downloaded to the nearest client. The directory server 502 will then direct the file server to download the requested file to a nearest client (e.g., 504-D). The file can then be transferred to the requesting client.

As best understood, there is no "request path selector" that is coupled to the application system for selecting a request path. Although Harrow discloses that "Client P 504-P may decide to either stay online and download the file or direct that it be downloaded to the nearest client", it is understood from a full reading of Harrow that the "client P" refers to a user operating a portable computer or PDA. In fact, Harrow shows a series of screen shots in Figs. 10A to 10H of user interfaces.

Accordingly, it is earnestly submitted that Harrow does not teach the recited "a request path selector coupled to the application system for selecting a request path over which to send query data comprising the SQL database queries made to the database system."

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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